

### **REMARKS**

This Amendment is responsive to the Office Action dated April 5, 2004. Claims 1-12 were pending in the application. In the Office Action, claims 1-12 were rejected. In this Amendment, claims 1, 6, 7 and 12 have been amended. Claims 1-12 thus remain for consideration.

Applicants submit that the application is now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

#### **Abstract**

The abstract was objected to as exceeding 150 words.

Applicants have amended the abstract, and submit that the abstract as amended is in compliance with all formality requirements.

#### **Title**

Applicants have provided a new title.

The new title is believed to be clearly indicative of the invention to which the claims are directed.

#### **§102 and 103 Rejections**

Claims 1-4 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by Takakura (U.S. Patent No. 5,473,479).

Claims 7-10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takakura.

Claims 1-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Isozaki (U.S. 2003/0091339).

Regarding the rejections based on Isozaki, Applicants have enclosed herewith a certified English translation of Japanese Patent Application No. 10-299454, which is the application to which the present application is entitled to a claim of priority under 35 U.S.C. §119. The priority application has a filing date of October 21, 1998, and therefore antedates the Isozaki reference (entitled to a U.S. filing date of November 8, 1999). Accordingly, Applicants submit that the prior art rejections based on Isozaki, should be withdrawn (see MPEP 201.15).

Regarding the rejections based on Takakura, Applicants respectfully submit that the independent claims (claims 1, 6, 7 and 12) are patentable over Takakura.

Applicants' invention as recited in the independent claims is directed toward a data processing apparatus and method and a recording apparatus and method. Each of the claims recites "packing an overflow portion of a data packet that is larger than the unit length to a blank portion of [] first blocks to which a data block that is smaller than the unit length has been packed." Each of the claims further recites that "said overflow portion of said data packet is detected on the basis of length information associated with said data packet."

Takakura does not disclose packing an overflow portion of a data packet that is larger than the unit length to a blank portion of first blocks to which a data block that is smaller than the unit length has been packed, wherein the overflow portion of the data packet is detected on the basis of length information associated with the data packet. Accordingly, Applicants believe that claims 1, 6, 7 and 12 are patentable over Takakura on at least this basis.

Claims 2-5 depend on claim 1. Since claim 1 is believed to be patentable over Takakura, claims 2-5 are believed to be patentable over Takakura based at least on their dependency on claim 1.

Claims 8-11 depend on claim 7. Since claim 7 is believed to be patentable over Takakura, claims 8-11 are believed to be patentable over Takakura based at least on their dependency on claim 7.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read 'Bruno Polito', written over a horizontal line.

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